

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
PETER NIKOLA PESIC, et al.,  
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Plaintiffs,  
:

-v-  
:

MAURITIUS INTERNATIONAL ARBITRATION  
CENTRE LTD., et al.,  
:

Defendants.  
:  
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23-CV-1100 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 24, 2025, Plaintiff Peter Nikola Pesic, who is proceeding without counsel, filed his Fifth Amended Complaint. ECF No. 79. On March 6, 2025, Plaintiff requested summonses for the three remaining Defendants. ECF No. 82. After this Court noted that no Defendants had been served, ECF No. 88, Plaintiff alerted the Court that no summonses had been issued, ECF No. 89. The Court therefore directs the Clerk of Court to issue amended summonses as to Defendants Barry Tilley, Robert Sawatsky, and Talinka Trading, Inc. (“Talinka”).


Plaintiff has made several attempts at service on these Defendants over the two years since his suit was filed, all of them unsuccessful. Beginning with Sawatsky, Plaintiff filed an “affidavit of due diligence in attempting to serve Robert Sawatsky” on October 4, 2024, apparently after several unsuccessful attempts to serve him. ECF No. 59. That was followed by a “motion to effect service of summons on Robert Sawatsky by publication” on October 9, 2024, ECF No. 60, which the Court denied without prejudice, ECF No. 66, and which has not since been renewed. Plaintiff also struggled to serve Tilley, ECF No. 26 (denying motion for alternate service as to Tilley given Plaintiff’s failure to attempt Hague service); ECF No. 46 (describing attempts to serve Tilley). As to Talinka, Plaintiff previously tried to serve it by mailing its agent in Samoa, Intertrust Limited, ECF No. 20. The Court determined that was insufficient, ECF No. 26, and dismissed claims against Talinka, ECF No. 30. After Plaintiff amended his complaint again to reassert claims against Talinka, ECF Nos. 41, 44, he again filed proof of service on Talinka, this time by mail to Intertrust Limited, ECF No. 57, the same method the Court previously deemed insufficient.

**The Clerk of Court is directed to issue amended summonses as to Defendants Tilley, Sawatsky, and Talinka.** Plaintiff is directed to serve the summonses and Fifth Amended Complaint on each Defendant within 90 days of the issuance of the summonses. Given the long history of Plaintiff’s failed service attempts, the Court advises Plaintiff that he *must* complete

service or request an extension of time to do so within 90 days of the issuance of summonses. Plaintiff will not be given additional chances to amend his complaint, and the Court will hold him to the firm deadline established in this Order. If Plaintiff has not either served the summonses or requested an extension of time to do so within 90 days of their issuance, the Court will dismiss his claims under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute without further notice.

SO ORDERED.

Dated: May 20, 2025  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge